

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DINO ANTOLINI, : Case No.: 1:19-cv-07645

Plaintiff,

- against -

ROMAN NIEVES, BARBRA NIEVES, 195
10TH AVENUE LLC, GASPARE VILLA, ANNA
DA SILVA, and SONNY LOU INC.,

Defendants.
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Hon. Vernon S. Broderick

DECLARATION OF DINO ANTOLINI

This declaration is made pursuant to 28 U.S.C. § 1746 and S.D.N.Y.

Local Civil Rule 1.9(a) by Dino Antolini as follows:

1. I am the Plaintiff in this action.
2. I am a resident of the city and state of New York.
3. I re-affirm all the facts that are in my Complaint, which was filed in August 15, 2019.
4. I am an individual with a disability resulting in an impairment in motor and sensory function of my body and I require a wheelchair for mobility. I have been disabled for multiple decades.
5. I suffer from Ataxia, which stops the voluntary control of my muscle movements because of the way it disrupts my nervous system.
6. I have other disabilities too that limit my daily life.
7. I have undergone multiple surgical interventions, in part consisting of internal fixation of a 14-inch intramedullary rod along with seven Kuntscher nails to stabilize my left hip.

8. I visited the defendant's Subject Facility in August of 2019 prior to instituting the instant action.
9. I could not gain entry into the restaurant because the barrier at the front door is very high.
10. When I visited the restaurant, there were no employees outside and I could not navigate up to the front door. I saw that it would've been useless anyway because the blockade barrier was about half a foot.
11. Even if there was a temporary ramp, which there was not, I could not have used it because in my experiences as a New York City wheelchair user for many years means I have to wait outside for hours just to hope the restaurant has the staff available to bring out the ramp. Then, they have to know what they're doing which actually happens a lot where they don't. Those ramps are also very unsafe and unsteady and can make things even worse.
12. I live very close to the Pepe Giallo restaurant. I live at 225 West 23rd street, which is right off the corner of 23rd and 10th. The restaurant Pepe is only a block away, right off 22nd and 10th.
13. I am an Italian American and very much love Italian restaurants here in New York City.
14. My life is difficult and so I love to go out to dinner with my wife and enjoy restaurants with her, especially Italian restaurants.
15. Pepe Giallo is an Italian restaurant that gets good reviews for its good food.
16. As stated in my Complaint, I seek to have the defendants make this facility accessible pursuant to the Americans With Disabilities Act.
17. I want to, and intend to visit the facility as soon as possible, but I physically cannot do that until they fix the violations.
18. My attorney in this lawsuit, Stuart Finkelstein, has advised me that the defendants in this case will not make the facilities compliant with the Americans with Disabilities Act.

19. I gave the defendants in this case access to my medical records.
20. I would like to have my day in court and go to trial.
21. I thank the Judges in this case to help me make the restaurant accessible.

Pursuant to 28 U.S.C. § 1746, I declare under the penalties of perjury the foregoing is true and correct.

Executed this 15th day of April, 2021

A handwritten signature in dark ink, appearing to be "D. [unclear]", written in a cursive style.